

**ASSEMBLY BILL**

**No. 377**

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**Introduced by Assembly Member Grove**

February 14, 2013

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An act to amend Section 51747.3 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as introduced, Grove. Charter schools: average daily attendance: independent study: online charter schools.

Existing law requires community school and independent study average daily attendance to be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported or pupils who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

This bill would authorize a virtual or online charter school, as defined, to claim independent study average daily attendance for pupils who are residents of the county in which the apportionment is reported, or who are residents of any other county in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 51747.3 of the Education Code is
- 2 amended to read:
- 3 51747.3. (a) Notwithstanding any other ~~provision of~~ law, a
- 4 local educational agency, including, but not limited to, a charter

1 school, may not claim state funding for the independent study of  
2 a pupil, whether characterized as home study or otherwise, if the  
3 agency has provided any funds or other thing of value to the pupil  
4 or his or her parent or guardian that the agency does not provide  
5 to pupils who attend regular classes or to their parents or guardians.  
6 A charter school may not claim state funding for the independent  
7 study of a pupil, whether characterized as home study or otherwise,  
8 if the charter school has provided any funds or other thing of value  
9 to the pupil or his or her parent or guardian that a school district  
10 could not legally provide to a similarly situated pupil of the school  
11 district, or to his or her parent or guardian.

12 (b) (1) Notwithstanding paragraph (1) of subdivision (d) of  
13 Section 47605 or any other provision of law, community school  
14 and independent study average daily attendance shall be claimed  
15 by school districts, county superintendents of schools, and charter  
16 schools only for pupils who are residents of the county in which  
17 the apportionment claim is reported, or who are residents of a  
18 county immediately adjacent to the county in which the  
19 apportionment claim is reported, *except as provided in paragraph*  
20 *(2).*

21 (2) *Notwithstanding paragraph (1), a virtual or online charter*  
22 *school, as defined in Section 11963.5 of Title 5 of the California*  
23 *Code of Regulations, may claim independent study average daily*  
24 *attendance for pupils who are residents of the county in which the*  
25 *apportionment is reported, or who are residents of any other county*  
26 *in the state.*

27 (c) ~~The Superintendent of Public Instruction~~ shall not apportion  
28 funds for reported average daily attendance, through full-time  
29 independent study, of pupils who are enrolled in school pursuant  
30 to subdivision (b) of Section 48204.

31 (d) In conformity with Provisions 25 and 28 of Section 2.00 of  
32 the Budget Act of 1992, this section is applicable to average daily  
33 attendance reported for apportionment purposes beginning July 1,  
34 1992. The provisions of this section are not subject to waiver by  
35 ~~the State Board of Education~~ *state board*, by the State  
36 ~~Superintendent of Public Instruction~~, or under any provision of  
37 Part 26.8 (commencing with Section 47600).